

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:09CR457
)	
v.)	
)	
SHANNON WILLIAMS,)	MEMORANDUM AND ORDER
)	
Defendant.)	
_____)	

This matter is before the Court defendant Shannon Williams' Second Motion to Dismiss Superseding Indictment (Filing No. [702](#)) and Third Motion to Dismiss Superseding Indictment (Filing No. [704](#)). Williams has also filed a Motion for Issuance of Subpoena in Forma Pauperis (Filing No. [705](#)), which relates to the dismissal motions.

Pursuant to Fed. R. Crim. P. 12(c), the Court may "set a deadline for the parties to make pretrial motions." A party that fails to file a pretrial motion before the deadline waives that issue. *United States v. Trobee*, 551 F.3d 835, 838 (8th Cir. 2009). The Court may grant relief from waiver, however, upon a showing of good cause. *Id.*; see Fed. R. Crim. P. 12(e).

In this case, the original pretrial deadline was set for January 15, 2010 (Filing No. [40](#)). At the request of Williams and some of his other co-defendants, the Court extended the pretrial motion deadline to February 16, 2010 (Filing No. [100](#)). The Court again extended the pretrial motion deadline, at

Williams' request, to March 3, 2010 (Filing No. [152](#)). The Court once again extended the pretrial motion deadline to April 16, 2010 (Filing No. [190](#)), at which time Williams filed two pretrial motions (Filing Nos. [213](#) and [215](#)). Thereafter, the Court conducted a motion hearing, which took place on the following dates: August 17th to August 19th, November 29th, and December 9th to 21st.

In his Second and Third Motions to Dismiss, Williams offers no explanation for why he submitted the motions about ten months after the pretrial motion deadline and about two and one-half months after the motion hearing completed. Williams has not shown good cause exists to grant relief from his waiver of the issues in the motions. Accordingly, the Court will deny these motions because they are untimely. The Court will also deny the Motion for Issuance of Subpoena, which relates to the dismissal motions.

IT IS ORDERED that Williams' Second Motion to Dismiss Superseding Indictment (Filing No. [702](#)), Third Motion to Dismiss Superseding Indictment (Filing No. [704](#)), and Motion for Issuance

of Subpoena in Forma Pauperis (Filing No. [705](#)) are denied as untimely.

DATED this 15th day of March, 2011.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court